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*Attorneys for David M. Carlson,*

*Enterprise Focus, Inc., and Clever Capital, LLC*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, INC.,

Debtor.

MARK D. WALDRON, in his  
capacity as the duly-appointed  
Chapter 11 Trustee,

Plaintiff,

v.

DAVID M. CARLSON and  
JANE DOE 1, individually and  
on behalf of the marital estate;  
ENTERPRISE FOCUS, INC., a  
Washington corporation;  
CLEVER CAPITAL, LLC, a  
Washington limited liability

) Case No. 18-03197-FPC11

) **Adv. No. 19-80012-FPC**

) Chapter 11

) **DECLARATION OF JASON T.**  
) **PISKEL IN SUPPORT OF**  
) **OBJECTION TO CHAPTER 11**  
) **TRUSTEE'S MOTION FOR:**  
) **(1) EXPEDITED DISCOVERY;**  
) **AND (2) EXPEDITED**  
) **CONSIDERATION**

DECLARATION . . . - 1



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1 company; JEFFREY FIELD; )  
2 ROB TRAVIS; and JANE DOES )  
3 2 through 15, )  
4 )  
5 Defendants. )

6 I, Jason T. Piskel, declare under penalty of perjury of the laws of the  
7 state of Washington and the United States as follows:

8 1. I am a resident of the state of Washington and over the age of  
9 eighteen. I have personal knowledge of and am competent to testify  
10 regarding the matters stated herein. I am an attorney with the law firm of  
11 Piskel Yahne Kovarik, PLLC, attorneys for Defendants David M. Carlson,  
12 Enterprise Focus, Inc., and Clever Capital, LLC. This declaration is  
13 submitted in support of the Objection to Chapter 11 Trustee's Motion for:  
14 (1) Expedited Discovery; and (2) Expedited Consideration, filed herewith.

15 2. On or about the afternoon of May 14, 2019, Pamela M. Egan of  
16 CKR Law LLP emailed a request for documents. (Attached hereto as  
17 **Exhibit A** is a true and correct copy of an email dated May 14, 2019).

18 3. That afternoon of May 14, 2019, I responded to Ms. Egan's  
19 email. (Attached hereto as **Exhibit B** is a true and correct copy of an email  
20 dated May 14, 2019).

21 I declare under penalty of perjury under the laws of the state of  
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DECLARATION . . . - 2



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1 Washington and the United States that the foregoing is true and correct.

2 SIGNED in Spokane, Washington on May 15, 2019.

3  
4 /s/ Jason T. Piskel

5 JASON T. PISKEL

6 jtp@pyklawyers.com

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12 *Attorney for Defendants David M. Carlson*

13 *Enterprise Focus, Inc., and Clever Capital, LLC*

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DECLARATION . . . - 3



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# Exhibit A

**From:** Pamela Egan <[pegan@ckrlaw.com](mailto:pegan@ckrlaw.com)>  
**Date:** May 14, 2019 at 11:53:34 AM PDT  
**To:** Benjamin McDonnell <[bmcdonnell@pyklawyers.com](mailto:bmcdonnell@pyklawyers.com)>, "[jason@pyklawyers.com](mailto:jason@pyklawyers.com)" <[jason@pyklawyers.com](mailto:jason@pyklawyers.com)>  
**Subject:** GW/AP

I'd like to fly out to Wenatchee tomorrow and take George Turner's deposition. Afternoon works for me.

Why don't we meet in Wenatchee tomorrow? You can listen to the depo and then we can talk settlement.

The Clever TNT Agreement was a fraud. Therefore, the attorney-client privilege with Vanessa Pierce Rollins does not apply. I request:

All documents relating to the Clever TNT Agreement, including communications with Ms. Rollins.

All communications with the Thompsons.

All documents relating to the doctored Addendum.

All documents relating to Altered Silicon, Inc.

This is just in preparation for the Show Cause Hearing.

I will not depose Dave at this time, but will instead depose him later during the larger litigation, if we don't settle.

I would like the documents by tomorrow before our exhibits and documents list is due on the 16th.

I would also like to request a series of stipulations per the spreadsheet that I sent yesterday and that we need to walk through and discuss on the phone today.

**Pamela M. Egan**  
Partner



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# Exhibit B

**From:** Jason T. Piskel <[jpiskel@pyklawyers.com](mailto:jpiskel@pyklawyers.com)>  
**Sent:** Tuesday, May 14, 2019 2:28 PM  
**To:** Pamela Egan  
**Cc:** Lauren Varney; Benjamin McDonnell  
**Subject:** Giga Watt adv. Carlson et. al, | Turner Deposition & Document Request

Pam:

We are in receipt of your e-mail of today's date--received at 11:53 am. In that e-mail you said "I'd like to fly out to Wenatchee tomorrow to take George Turner's deposition." You asked us to meet in Wenatchee. I cannot travel to Wenatchee tomorrow, but we will attend his deposition by phone. Please provide the deposition notice with the Court Reporter's information and location so we may make arrangements to attend by phone. Depending upon the time, it may be me or Ben (or another lawyer from my firm) who attends.

In the same e-mail you request the following documents to be produced by tomorrow:

"All documents relating to the Clever TNT Agreement, including communications with Ms. Rollins.

All communications with the Thompsons.

All documents relating to the doctored Addendum.

All documents relating to Altered Silicon, Inc."

It is difficult for us to respond to such broad and undefined requests. Put simply, we cannot. I believe the best course is for you to issue requests for production so we may properly respond or object. We are mindful of the preliminary injunction hearing and the obligation to confer on discovery, but to sort through these broad requests in less than one day's time is unreasonable.

Again, we cannot perform any sort of factual stipulation exercise at this stage of the proceedings. We are still examining the excel spreadsheet and the 215 pages of documents you sent last night at 10:53 pm.

-JTP

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